



# House of Representatives

General Assembly

**File No. 31**

February Session, 2008

House Bill No. 5111

*House of Representatives, March 17, 2008*

The Committee on Labor and Public Employees reported through REP. RYAN, K. of the 139th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING STATE EMPLOYEES' LEAVE TIME AND MILITARY SERVICE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 5-259d of the 2008 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2008*):

4 (c) Notwithstanding any provision of the general statutes or any  
5 public or special act, any state employee who is a member of the  
6 armed forces of any state or of any reserve component of the armed  
7 forces of the United States and who has been called to active service in  
8 the armed forces of any state or the United States for (1) Operation  
9 Enduring Freedom, (2) Operation Noble Eagle, (3) a related emergency  
10 operation or a military operation whose mission was substantially  
11 changed as a result of the attacks of September 11, 2001, (4) federal  
12 action or state action authorized by the Governor in support of the  
13 federal Department of Homeland Security's Operation Liberty Shield,  
14 military operations that are authorized by the President of the United

15 States that entail military action against Iraq, or federal action or state  
16 action authorized by the Governor to combat terrorism within the  
17 United States, or (5) federal action or state action authorized by the  
18 Governor or the President of the United States that entails service or  
19 military action as part of Operation Jump Start at the border of the  
20 United States and Mexico, shall continue to accrue all vacation time,  
21 equivalent leave time and sick time to which the employee would be  
22 entitled if he or she had continued working in his or her state position  
23 during the time of such active service, and shall be credited with such  
24 accrued vacation time, equivalent leave time or sick time, except that if  
25 the accrual of such vacation time, equivalent leave time or sick time  
26 pursuant to this subsection while on active service would cause the  
27 employee to exceed any limit on leave time pursuant to any provision  
28 of the general statutes, the regulations of Connecticut state agencies or  
29 a collective bargaining agreement, the limit shall be temporarily  
30 waived to allow the employee to use the excess leave time before the  
31 later of the following: (A) From the date of the state employee's  
32 discharge from active service until the state employee returns to state  
33 employment, (B) not later than one hundred twenty calendar days  
34 after the state employee returns to state employment, [or] (C) not later  
35 than one hundred twenty calendar days after the state employee is  
36 credited with such excess leave time, or (D) for state employees in  
37 teaching or professional positions in Unified School District #1  
38 established pursuant to section 18-99a within the Department of  
39 Correction who were credited with equivalent leave time pursuant to  
40 this section, not later than one year after the employee is credited with  
41 such excess leave time. The employee shall be entitled to a leave of  
42 absence with pay as provided in section 27-33 from the date on which  
43 the employee was called to active service. After the expiration of such  
44 leave of absence with pay, the state employee shall receive part pay for  
45 the duration of such call-up to active service if the compensation  
46 received by the state employee for such active service is less than the  
47 employee's base rate of pay, plus longevity, in the employee's primary  
48 position. The state employee shall not be required to exhaust accrued  
49 vacation time, equivalent leave time or sick time in order to be eligible

50 for the paid leave of absence and part pay under this subsection. As  
51 used in this section, "equivalent leave time" means leave time classified  
52 as other than vacation time or sick time and includes, but is not limited  
53 to, leave time classified as recess rather than vacation time.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2008</i>	5-259d(c)
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**LAB**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill provides those in teaching or professional positions in the Department of Correction's Unified School District #1 one year, rather than 120 days to use accumulated leave time when they return from military service. The bill is not anticipated to result in a fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis****HB 5111*****AN ACT CONCERNING STATE EMPLOYEES' LEAVE TIME AND MILITARY SERVICE.*****SUMMARY:**

This bill gives certain Department of Corrections (DOC) employees called to active military service from the National Guard or the military reserves more time to use accumulated leave time when they return from military service.

Specifically, the bill gives those in teaching or professional positions in DOC's Unified School District #1 one year, rather than 120 days, after accrual to use equivalent leave time. "Equivalent leave time" is recess time, i.e. paid time off for those in teaching positions who work on a school calendar. "Recess time" is designated dates (such as the week between Christmas and New Year's) and cannot be carried forward except for specific provisions related to military service.

The bill applies to an employee called to duty for (1) federal or state post-September 11 anti-terrorism or homeland security-related duty or (2) the Afghanistan or Iraq wars.

EFFECTIVE DATE: October 1, 2008

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable

Yea 11 Nay 0 (03/04/2008)